

Oct 15, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

DONALD LEE RICKER,

Defendant.

No. 2:18-CR-0154-WFN-1

ORDER REGARDING UNOPPOSED  
MOTION FOR PROTECTIVE ORDER  
PURSUANT TO 18 U.S.C. § 3509,  
REGARDING IDENTIFICATION OF  
MINOR VICTIMS

Pending before the Court is the Government's Unopposed Motion for Protective Order Pursuant to 18 U.S.C. § 3509, Regarding Identification of Minor Victims. ECF No. 35. The Court has reviewed the file and Motions and is fully informed. Accordingly,

**IT IS ORDERED** that:

1. The Government's Unopposed Motion for Protective Order Pursuant to 18 U.S.C. § 3509, Regarding Identification of Minor Victims, filed October 11, 2018, **ECF No. 35**, is **GRANTED**.

2. The privacy protection measures mandated by 18 U.S.C. § 3509(d) that apply when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case. The Court also recognizes that there are some individuals in this case who were children when they are alleged to have been victims of child sexual abuse, but are now adults. Thus, the provisions of this Order apply to the identification of minor children and any adults who were minor children when they were alleged to have been victims of sexual abuse. For purposes of this order, the term "children" encompasses both of these categories.

3. All persons acting in this case in a capacity described in 18 U.S.C. § 3509(d)(1)(B), shall:

1 (a) Keep all documents that disclose the names, identities, or any other  
2 information concerning children in a secure place to which no person who does not have  
3 reason to know their contents has access; and

4 (b) Disclose such documents or the information in them that concerns children  
5 only to persons who, by reason of their participation in the proceeding, have reason to know  
6 such information;

7 (c) Not permit Defendant himself to review the unredacted discovery outside  
8 the presence of defense counsel or a defense investigator;

9 (d) Not permit Defendant to keep any discovery in his own possession outside  
10 the presence of defense counsel or a defense investigator;

11 (e) Not permit Defendant to keep, copy, or record the identities of any child or  
12 victim identified in discovery in this case.

13 4. All papers to be filed in Court that disclose the names or any other information  
14 identifying or concerning children shall be filed under seal without necessity of obtaining a  
15 Court order, and that the person who makes the filing shall submit to the Clerk of the Court-

16 (a) the complete paper to be kept under seal; and

17 (b) the paper with the portions of it that disclose the names or other information  
18 identifying or concerning children redacted, to be placed in the public record.

19 5. Counsel for the Government and counsel for Defendant shall provide one another  
20 with a copy of each unredacted pleading filed in this case, provided that such pleading is not  
21 filed in camera.

22 6. The parties and the witnesses shall not disclose children's names at pre-trial  
23 proceedings or at trial in this case. The parties shall prepare their witnesses and instruct them  
24 to refer to the alleged minor victims only by using agreed-upon initials or pseudonyms (e.g.,  
25 "Victim A," "Victim B"), rather than their names, in opening statements, during the  
26 presentation of evidence, and in closing arguments.

27 The District Court Executive is directed to file this Order and provide copies to  
28 counsel.

**DATED** this 15th day of October, 2018.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE

10-12-18